

AUG 08 2008

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN THOMAS FUTCH,
Petitioner,

V.

**VIRGINIA DOC,
Respondent.**

Civil Action No. 7:08-cv-00460

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Futch's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED** without prejudice, and this action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 8th day of August, 2008.

United States District Judge